

Readoption Review

Lead Poisoning Testing; Sickle Cell Anemia Testing 410 IAC 3-2

IC 4-22-2.5-3.1(c) requires an agency to conduct a review to consider whether there are alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would minimize the economic impact of the proposed rule on small business.

Description of Rule:

The Indiana State Department of Health (ISDH) has responsibility for regulations regarding blood lead testing, case management of lead poisoned children and Environmental Assessments of homes where children are lead poisoned, as well as for Sickle Cell Anemia Testing. In addition to IAC 3-2, 410 IAC 1-2.3-47 and 410 IAC 1-2.3-48 were amended to establish requirements for case management of a child and deleted requirements for blood lead levels from 410 IAC 1-2.3. It also added 410 IAC 29 to establish rules regarding reporting, monitoring and preventive procedures to protect from lead poisoning. The new lead rule is comprehensive, but does not include test methods or acceptable quantitative test procedures.

Readoption Analysis:

1) Is there a continued need for this rule?

There is a continued need for the rule to provide definitions for appropriate testing procedures and quantitative test procedures.

2) What is the nature of any complaints or comments received from the public, including small business, concerning the rule or the implementation of the rule by the agency?

There is no record of any complaints or comments received from the public or small business concerning this rule or the implementation of this rule by the ISDH.

3) Examine the complexity of the rule, including difficulties encountered by the agency in administering the rule and small businesses in complying with the rule.

No complaints or comments have been received from small business about this rule or the implementation of it and the ISDH is not aware of any difficulties in administration of, or compliance with, this rule.

4) To what extent does the rule overlap, duplicate, or conflict with other federal, state, or local laws, rules, regulations, or ordinances?

This rule does not overlap, duplicate, or conflict with any other federal, state, or local laws, rules, regulations, or ordinances. This rule does support the requirements of Title V of the Social Security Act.

5) When was the last time the rule was reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by this rule since that time?

This is the first review of the rule that we are aware of. However, blood lead testing recommended procedures have significantly changed since this rule came into effect. This rule will need to be revised, rewritten and updated to reflect current practices in appropriate lead testing methods. Any indirect tests, such as free erythrocyte porphyrin or urinary ALA that were stated as acceptable really are not and should be deleted.

Someone needs to add in whatever the testing method is used for filter paper blood lead testing. Also the methods used in the “hand-held” devices or new technologies that are in use, where we consider the results reliable. We will need some help from the Labs on this one.

13 April, 2007